BEFORE THE LOK ADALATH
ORGANIZED BY THE KERALA HIGH COURT LEGAL SERVICES COMMITTEE

PRESENT :

THE HONOURABLE MR. JUSTICE M.M.PAREED PILLAY
(RETD.CHIEF JUSTICE, HIGH COURT OF KERALA)
&
THE HONOURABLE MR. JUSTICE M.R.HARIHARAN NAIR
(RETD.JUDGE, HIGH COURT OF KERALA)

FRIDAY, THE 19TH JANUARY 2007 / 29TH PAUSHA 1928

WP(C).No. 498 of 2007(S)
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AGAINST THE ORDER DATED 29/07/2006 IN IA 1430/06 IN OP.39/2006 of FAMILY COURT, THIRUVALLA
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PETITIONER:
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ABDUL KALAM, AGED 36 YEARS,
KOTTAYADI PURAYIDOM, EZHAMKULAM, ADOOR,
REPRESENTED BY HIS POWER OF ATTORNEY HOLDER
ABDUL MAJEED, KOTTAYADI PURAYIDOM,
EZHAMKULAM, ADOOR.

BY ADV. SRI.K.SHAJ
SRI.B.BALRAJ
SRI.SAJJU.S

RESPONDENT:
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FOUSIA, D/O.SABITHA AMMAL,
KIZHAKKEMAVILA HOUSE, MANNADI THAZHATHU MURI,
KADAMPANADU VILLAGE, ADOOR TALUK
PRESENTLY RESIDING AT KULAVAYAL LABOUR LANE
KODUMON RUBBER PLANTATION, KODUMON.

BY ADV. SRI.D.KISHORE

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR DETERMINATION AT THE LOK ADALATH AND THE PARTIES HAVING SETTLED THE MATTER, THE FOLLOWING AWARD IS PASSED IN TERMS OF THE SETTLEMENT:

APPENDIX

PETITIONER'S EXHIBITS:

EXT. P1: COPY OF THE POWER OF ATTORNEY DATED 13.10.2005.

EXT. P2: COPY OF THE F.I.R. NO:617/2005 DATED 09-09-2005 ADOOR POLICE STATION.

EXT. P3: COPY OF THE REPORT SUBMITTED BEFORE THE J.F.M.C. ADOOR IN FIR NO:617/2005 BY THE S.I. OF POLICE ADOOR ALONG WITH THE STATEMENT OF THE RESPONDENT HEREIN.

EXT. P4: COPY OF IA NO.1430/2006 I O.P. NO.39/2006 BEFORE THE FAMILY COURT THIRUVALLA.

EXT. P5: COPY OF THE OBJECTION IN OP.NO.39/2006 FILED BEFORE THE FAMILY COURT, THIRUVALLA.

EXT. P6: COPY OF THE ORDER DATED 29-07-2006 IN IA NO.1430/2006 IN OP NO.39/2006 BY THE FAMILY COURT, THIRUVALLA.

/TRUE COPY/

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**M.M.PAREED PILLAY (RETD. CHIEF JUSTICE) &**
**M.R.HARIHARAN NAIR (RETD. JUDGE)**

W.P.(C) No. 498 OF 2007

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Dated this the 19th day of January, 2007

**A W A R D**

**M.M.PAREED PILLAY (Rtd. Chief Justice)**

The respondent, her father Salim Ravuthar and Abdul Majeed-power of attorney holder of the petitioner are present. The counsel appearing for the parties are also present. After discussions the disputes between the parties were settled on the following terms:

1. In full and final settlement of all claims raised in OP No.39/2006 of the Family Court, Thiruvalla which is inter parties, the petitioner will pay a total sum of Rs.2,85,000/- (Rupees Two lakhs eighty five thousand only) to the present respondent. Out of this a sum of Rs.1,00,000/- (Rupees One lakh only) will be paid on or before 31.1.2007, another Rs.1,00,000/- (Rupees One lakh only) on or before 28.2.2007 and the remaining Rs.85,000/- (Rupees Eighty five thousand only) on or before 31.3.2007.

2. In full and final settlement of all claims raised in MC No. 132/06 of the Family Court, Thiruvalla, the petitioner will pay maintenance to the children at the rate of Rs.1,500/- (Rupees One thousand five hundred only) per month starting from 1.2.2007. This amount will be credited to the

Savings Bank Account to be opened by the respondent in the name of the respondent on or before the 10th of every month. In view of the settlement of this proceedings the respondent agrees that she will not prosecute the complaint given under Section 498A of the IPC before the JFMC, Adoor any further.

3. In case there is failure on the part of the petitioner to fulfill any of the conditions mentioned above, the respondent will be free to execute this award and recover all the amounts mentioned in the preceding paragraphs. On payment of the sum of Rs.2,85,000/- mentioned above, the attachment effected by the Family Court over the properties of the petitioner shall stand lifted.

Writ Petition is disposed of as above.

M.M.PAREED PILLAY
(RETD. CHIEF JUSTICE)

M.R.HARIHARAN NAIR
(RETD. JUDGE)

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